

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

JERRY MARK,)
) CASE NO. C97-4059 DEO
Petitioner,)
)
vs.) JUDGMENT
) IN A CIVIL CASE
JOHN AULT,)
)
Respondent.)

DECISION BY THE COURT: This action came before the Court. The issues have been decided and a decision has been rendered.

IT IS ORDERED THAT: The Petitioner's 28 U.S.C. § 2254 application is granted. The Petitioner may file for fees.

IT IS FURTHER ORDERED THAT: A writ of habeas corpus shall issue, requiring the State of Iowa to take one of the following steps:

1. Commence proceedings to retry the petitioner; or
2. Release the petitioner from custody.

Donald E O'Brien
Senior Judge Donald E. O'Brien

Pridgen J. Watkins - Clerk

Date: 8-31-06

S/src
BY: Deputy Clerk